

1648

Dkt. 51320-AA/JPW/AJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G.P. Allaway et al.

Serial No.: 09/724,105

Examiner: Bao Qun Li

Filed: November 28, 2000

Group Art Unit: 1648

For: USES OF A CHEMOKINE RECEPTOR FOR INHIBITING HIV-1  
INFECTION

1185 Avenue of the Americas  
New York, New York 10036  
February 14, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

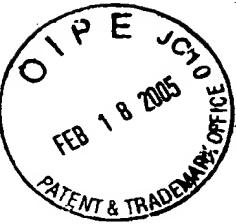
Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is submitted under 37 C.F.R. §1.97(b)(3) to supplement the Information Disclosure Statements filed January 9, 2002 and July 30, 2004 in connection with the above-identified application.

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit A**), and certain of which are attached hereto as **Exhibits 1-14**:

1. U.S. Patent No. 6,261,763 B1, issued July 17, 2001 to G.P. Allaway et al.;
2. G.P. Allaway et al., U.S. Patent Application Publication No. 2003/0044770 A1, published March 6, 2003;
3. V.M. Litwin et al., U.S. Patent Application Publication



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- No. 2001/0046512 A1, published November 29, 2001;
4. G.P. Allaway et al., U.S. Patent Application Publication No. 2002/0045161 A1, published April 18, 2002;
  5. PCT International Application Publication No. WO 94/22477 A, published October 13, 1994 (**Exhibit 1**);
  6. PCT International Application Publication No. WO 95/16789 A, published December 16, 1994 (**Exhibit 2**);
  7. PCT International Application Publication No. WO 96/39437 A1, published December 12, 1996 (**Exhibit 3**);
  8. PCT International Application Publication No. WO 97/32019 A2, published September 4, 1997 (**Exhibit 4**);
  9. PCT International Application Publication No. WO 97/45543 A2, published December 4, 1997 (**Exhibit 5**);
  10. G.P. Allaway, U.S. Serial No. 08/169,311, filed December 17, 1993 (now abandoned) (**Exhibit 6**);
  11. G.P. Allaway, U.S. Serial No. 08/663,171, filed June 14, 1996 (now abandoned);
  12. G.P. Allaway, U.S. Serial No. 08/475,515, filed June 7, 1995 (now abandoned) (**Exhibit 7**);
  13. V.M. Litwin et al., U.S. Serial No. 08/587,458, filed January 17, 1996 (now abandoned) (**Exhibit 8**);

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14. V.M. Litwin et al., U.S. Serial No. 09/118,415, filed July 17, 1998 (now abandoned);
15. Allowed claims in G.P. Allaway et al., U.S. Patent Application Publication No. 2003/0044770 A1, published March 6, 2003 (**Exhibit 9**);
16. Pending claims in G.P. Allaway et al., U.S. Patent Application Publication No. 2002/0045161 A1, published April 18, 2002 (**Exhibit 10**);
17. Pending claims in V.M. Litwin et al., U.S. Patent Application Publication No. 2001/0046512 A1, published November 29, 2001 (**Exhibit 11**);
18. Samson, M., Labbe, O., Mollereau, C., Vassart, G. and Parmentier, M. (1996) Molecular cloning and functional expression of a new human CC-chemokine receptor gene. *Biochemistry* 35(11): 3362-3367 (**Exhibit 12**);
19. Dragic, T., Trkola, A., Lin, S.W., Nagashima, K.A., Kajumo, F., Zhao, L., Olson, W.C., Wu, L., Mackay, C.R., Allaway, G.P., Sakmar, T.P., Moore, J.P. and Maddon, P.J. (1998) Amino-terminal substitutions in the CCR5 coreceptor impair gp120 binding and human immunodeficiency virus type 1 entry. *J. Virol.* 72(1): 279-285 (**Exhibit 13**); and
20. Communication issued November 11, 2004 by the European Patent Office in connection with European Patent Application No. 97930120.7 (**Exhibit 14**).

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The Examiner is respectfully requested to make these references of record in the present application by initialing and returning a copy of the enclosed Form PTO-1449.

Applicants note that the above-listed references 5-8, 18 and 19, were previously cited in a Supplementary Partial European Search Report issued November 11, 2004 in connection with European Patent Application No. 97930120.7, a foreign counterpart of the subject application. A copy of this Supplementary Partial European Search Report is included in the November 11, 2004 Communication attached hereto as **Exhibit 14**.

Applicant notes also that PCT International Application Publication No. WO 97/41020, cited in the above-identified European Search Report (**Exhibit 14**) is not listed in the present Supplemental Information Disclosure Statement because this reference was previously made of record in the subject application, having been cited to the Examiner as reference 34 (Exhibit 28) in the Information Disclosure Statement filed July 30, 2004.

37 C.F.R. §1.98(a)(2)(ii), as amended in the September 21, 2004 Final Rule, states that copies of U.S. patents and published patent applications need not be submitted to the Patent Office in an Information Disclosure Statement unless required by the Office. Therefore, pursuant to 37 C.F.R. §1.98(a)(2)(ii), copies of the above-cited U.S. patent and patent application publications (references 1-4) are not attached hereto.

37 C.F.R. §1.98(a)(2)(iii) provides that an Information

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Disclosure Statement shall include, for each cited pending unpublished U.S. application, a legible copy of the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. Under 37 C.F.R. §1.98(c), when the disclosures of two or more patents or publications listed in an Information Disclosure Statement are substantively cumulative, a copy of one of the patents or publications may be submitted without copies of the other patents or publications, provided it is stated that these other patents or publications are cumulative. In accordance with 37 C.F.R. §1.98(c), copies of certain references listed above are not being attached hereto as they are cumulative.

In this regard, applicants note that U.S. Serial No. 08/663,171, filed June 14, 1996 (now abandoned), is a national stage application of PCT International Application Publication No. WO 95/16789 A, published December 16, 1994, which is attached hereto as Exhibit 2. Therefore, a copy of U.S. Serial No. 08/663,171 is not attached hereto as it is cumulative to PCT International Application Publication No. WO 95/16789 A.

Similarly, U.S. Serial No. 09/118,415, filed July 17, 1998 (now abandoned), is a national stage application of PCT International Application Publication No. WO 97/26009 A, published July 24, 1997. A copy of WO 97/26009 A was submitted as Exhibit 29 in the Supplemental Information Disclosure Statement filed July 30, 2004 in connection with the subject application. Therefore, a copy of U.S. Serial No. 09/118,415 is not attached hereto as it is cumulative to PCT

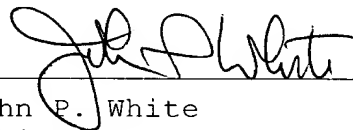
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International Application Publication No. WO 97/26009.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

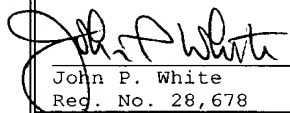
Pursuant to 37 C.F.R. §1.97(b)(3), no fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

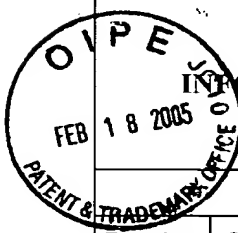


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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
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Alexandria, VA 22313-1450.



2/14/05  
John P. White Date  
Reg. No. 28,678

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/724,105
 <p align="center"><b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)</p>		Filing Date	November 28, 2000
		First Named Inventor	G.P. Allaway et al.
		Art Unit	1648
		Examiner Name	Bao Qun Li
		Attorney Docket No.	2048/51320-AA/JPW/AJD

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	6,261,763 B1	07-17-2001	G.P. Allaway et al.
	2	2003/0044770 A1	03-06-2003	G.P. Allaway et al.
	3	2001/0046512 A1	11-29-2001	V.M. Litwin et al.
	4	2002/0045161 A1	4-18-2002	G.P. Allaway et al.

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
	5	WO 94/22477 A	10-13-1994	Progenics Pharmaceuticals, Inc.	
	6	WO 95/16789 A	12-16-1994	Progenics Pharmaceuticals, Inc.	
	7	WO 96/39437 A1	12-12-1996	Human Genome Sciences, Inc.	
	8	WO 97/32019 A2	09-04-1997	Euroscreen, S.A.	
	9	WO 97/45543 A2	12-04-1997	U.S. National Institutes of Health	

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	10	G.P. ALLAWAY, U.S. Serial No. 08/169,311, filed December 17, 1993 (now abandoned);	
	11	G.P. ALLAWAY, U.S. Serial No. 08/663,171, filed June 14, 1996 (now abandoned);	
	12	G.P. ALLAWAY, U.S. Serial No. 08/475,515, filed June 7, 1995 (now abandoned);	

EXAMINER SIGNATURE	DATE CONSIDERED
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\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds of Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English Language Translation is attached.

Applicants: G.P. Allaway, et al.  
 Serial No.: 09/724,105  
 Filed: November 28, 2000  
 Exhibit A

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/724,105
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		Filing Date	November 28, 2000
		First Named Inventor	G.P. Allaway et al.
		Art Unit	1648
		Examiner Name	Bao Qun Li
		Attorney Docket No.	2048/51320-AA/JPW/AJD



### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	13	V.M. LITWIN et al., U.S. Serial No. 08/587,458, filed January 17, 1996 (now abandoned);	
	14	G.P. ALLAWAY, U.S. Serial No. 09/118,415, filed July 17, 1998 (now abandoned);	
	15	Allowed claims in G.P. ALLAWAY et al., U.S. Patent Application Publication No. 2003/0044770 A1, published March 6, 2003;	
	16	Pending claims in G.P. ALLAWAY et al., U.S. Patent Application Publication No. 2002/0045161 A1, published April 18, 2002;	
	17	Pending claims in V.M. LITWIN et al., U.S. Patent Application Publication No. 2001/0046512 A1, published November 29, 2001;	
	18	SAMSON, M., LABBE, O., MOLLEREAU, C., VASSART, G. and PARMENTIER, M. (1996) Molecular cloning and functional expression of a new human CC-chemokine receptor gene. Biochemistry 35(11): 3362-3367;	
	19	DRAGIC, T., TRKOLA, A., LIN, S.W., NAGASHIMA, K.A., KAJUMO, F., ZHAO, L., OLSON, W.C., WU, L., MACKAY, C.R., ALLAWAY, G.P., SAKMAR, T.P., MOORE, J.P. and MADDON, P.J. (1998) Amino-terminal substitutions in the CCR5 coreceptor impair gp120 binding and human immunodeficiency virus type 1 entry. J. Virol. 72(1): 279-285; and	
	20	Communication issued November 11, 2004 by the EUROPEAN PATENT OFFICE in connection with European Patent Application No. 97930120.7.	

EXAMINER SIGNATURE	DATE CONSIDERED
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\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). Applicant is to place a checkmark here if English language Translation is attached.